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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,979	12/15/2003	Donald H. Campbell	IN-5567	1319
26922	7590	09/30/2005	EXAMINER	
BASF CORPORATION ANNE GERRY SABOURIN 26701 TELEGRAPH ROAD SOUTHFIELD, MI 48034-2442			TUROCY, DAVID P	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,979

Applicant(s)

CAMPBELL ET AL

Examiner

David Turocy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant's amendments, filed 7/27/2005, have been fully considered and reviewed by the examiner. The examiner notes the amendment to claim 1. Claims 1-14 remain pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claims 1-14 are objected to because of the following informalities:

Claim 1 appears to contain a typographical error, at line 2, where – wastewater—should more reasonably be wastewater. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2001/0039324 by Sadvary et al ("Sadvary") in view of the admitted state of the art as taught by the applications description ("ASA").

\*\*\* Please note Sadvary incorporates by reference the subject matter disclosed in US Patent 5084541 by Jacobs, III et al ("Jacobs") (Sadvary Paragraph 0048)\*\*\*

Claims 1-3, 5, and 12: Sadvary teaches a film forming composition having an improved scratch resistance comprising one or more curing agents having reactive functional groups (Paragraph 0041). Sadvary discloses the curing agents include aminoplasts, isocyanates, and triazines (paragraph 0041). Sadvary teaches using a tricarbamoyl triazine or an oligomer thereof as a curing agent wherein the X is preferably oxygen and R is selected from 1 to 12 carbons in a straight chain, branched chain, alicyclic, or aromatic (See Jacobs, Column 5, lines 4-15). Sadvary discloses a

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triazine with an R groups containing 8 carbons (See Jacobs, example 5). Sadvary discloses spraying the thermosetting composition onto the substrate (paragraph 0089).

Sadvary discloses application of a coating to a automobile (Paragraph 0003), but fails to discloses spraying in a spray booth, capturing overspray with water wash, remove water wash as waste water, and removing the compound from the waste water.

However, ASA discloses that it is known in the art to spray automobiles in a spray booth and capturing and collecting the overspray with wastewater (Paragraph 0003). In addition ASA discloses the wastewater is discharged into the sewer and then subsequently treated in a sewage treatment plant (Paragraph 0003).

Therefore it would have been obvious to one of ordinary skill in the art to modify Sadvary to include the capturing and collecting overspray with water and discharging this wastewater to the sewer as taught by ASA with the reasonable expectation of success because ASA discloses capturing and collecting overspray with water and discharging this wastewater to the sewer during automobile spraying and therefore would reasonably be expected to effectively to provide overspray capturing and collecting the process of Sadvary.

Sadvary in view of ASA fails to disclose removing the compound of Formula I from the wastewater, however, the examiner notes, as defined by the instant specification see paragraph 0008 and example 1, the removal comprises removal by using a sewage treatment plant. Therefore, the prior art and the present claims, reflected by claim 1, teach all the same process steps and thus the results obtained by

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applicant's process must necessarily be the same as those obtained by the prior art.

Therefore since Sadvary in view of ASA teaches of treating the wastewater, containing the thermosetting composition as defined by Formula I, using a sewage treatment plant, it must necessarily result maximizing the capture, i.e. removal, of at least a portion of compound of formula I from the wastewater. Either 1) the applicant and the prior art have different definitions for treating the wastewater in the sewage treatment plant, or 2) the applicant is using other process steps or parameters that are not shown in the claims.

Claim 4: Sadvary discloses R may be selected from an alcohol, which comprises an oxygen atom (See Jacobs Column 5, lines 11-20).

Claim 6: Sadvary discloses higher isocyanate such as isocyanurates are useful as curing agents (paragraph 0046).

Claim 7: Sadvary discloses R may be selected from a hexyl, octyl, 2-ethylhexyl, or any one to 12 carbon alkyls (See Jacobs, Column 5, lines 11-20).

Claim 8: Sadvary discloses the thermosetting composition as a clear-coat (Paragraph 0089).

Claims 9 and 10: Sadvary discloses a transparent topcoat composition further comprising isocyanate and hydroxyl functional material (Paragraph 0053).

Claim 11: Sadvary discloses a hydroxyl function polymer and oligomers include acrylic, polyesters, and polyurethanes (Paragraph 0054-55).

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Claim 13: Sadvary discloses including the triazine curing agent in amounts of 1 to 20 percent by weight based on the total resin weight of the film-forming composition (Paragraph 0048).

Claim 14: Sadvary discloses coating an automotive vehicle (Paragraph 0003).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

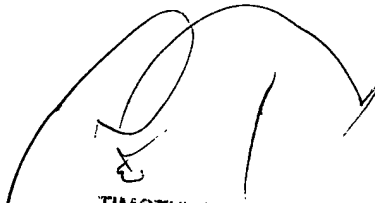
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy  
AU 1762



TIMOTHY MEEKS  
SUPERVISORY PATENT EXAMINER